

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 10-00093-01-CR-W-GAF
)	
DIAMOND D. BLAIR,)	
)	
Defendant.)	

ORDER

Now before the Court is Defendant Diamond Blair's ("Defendant") Motion to Dismiss for Lack of Subject Matter Jurisdiction. (Doc. # 271). Specifically, Defendant moves the Court dismiss the Indictment (Doc. # 1) against him on grounds that 18 U.S.C. § 922(g) is unconstitutional. (*See* Docs. ## 271, 292).

On April 6, 2010, a grand jury indictment was returned charging Defendant with one (1) count of being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g) and 924(e)(1). (Doc. # 1). On October 11, 2011, Defendant filed this Motion. (Doc. # 271).

On November 3, 2011, Chief Magistrate Judge Robert E. Larsen issued his Report and Recommendation ("Report and Recommendation") regarding Defendant's Motion. (Doc. # 292). Defendant's objections to the Report and Recommendation were due on or before November 18, 2011. (Doc. # 271). To date, no objections to the aforementioned Report and Recommendation were filed.

Upon careful and independent review of the pending Motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Chief Magistrate Judge Robert E. Larsen. (*See* Doc. # 292).

Accordingly, it is

ORDERED Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. # 271) is DENIED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: November 21, 2011